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10/594,981	09/29/2006	Yasuaki Inatomi	KAN-112US	4608
53473	7590	02/22/2010	EXAMINER	
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/594,981

**Applicant(s)**

INATOMI ET AL.

**Examiner**

CHARLES KIM

**Art Unit**

2624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 January 2010.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-30 is/are pending in the application.  
4a) Of the above claim(s) 10-30 is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-9 is/are rejected.  
7) ☒ Claim(s) 9 is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 29 September 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☒ Information Disclosure Statement(s) (PTO/SB-06)  
Paper No(s)/Mail Date 9/29/06  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Restriction Requirement***

1. Applicant's election without traverse of Group I, claims 1-9, in the reply filed on January 26, 2010 is acknowledged. Accordingly, claims 10-30 are withdrawn from further consideration by the Examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Vau et al., U.S. Patent Application Publication No. 2006/0203104 ("Vau") and Schipper et al., U.S. Patent No. 5,764,770 ("Schipper").

Referring to claim 1, Vau discloses a digital image pickup device (mobile imaging equipment) comprising:

an input unit that inputs a photographed digital image [par. 6. Note that the mobile imaging equipment captures and inputs a photographed digital image.];

a predetermined information detector that detects predetermined information (geographic localization) [pars. 8-10.];

a browse restriction applying unit that executes a process for applying browse restriction to the digital image in which the predetermined information is determined [pars. 10-16. Note that prohibition of processing is applied to the image based on the geographic localization. Vau explains that prohibition of processing comprises not recording the captured image, prohibiting its transmission, or preventing distribution of the image, all of which restricts browsing of the image.].

Vau does not expressly disclose a predetermined information embedding unit that embeds the detected predetermined information in the digital image. However, this feature was well known in the art. For example, Schipper discloses a predetermined information embedding unit that embeds detected predetermined information in a digital image [col. 7, l. 61-col. 8, l. 49. Note that authentication information such as location information, time information, and formation information, is embedded in the captured digital image.].

Vau and Schipper are combinable because they are both concerned with digital pickup devices. Vau explains that the captured image can be watermarked, i.e., embedded with metadata [par. 16], but not expressly state that the image is embedded with geographic localization (i.e., predetermined information). Schipper expressly discloses embedding an image with predetermined information similar to Vau's geographic localization data [col. 7, l. 61-col. 8, l. 49.]. The Examiner notes that adding Schipper's teaching to Vau's method would have produced the predictable and desirable benefit of providing a secure way of storing geographic localization data with corresponding image data for subsequent processing. Accordingly, one of ordinary skill and creativity, starting with Vau would have looked to Schipper to incorporate Schipper's teachings to take advantage of these predictable and desirable benefits. Therefore, it

would have been obvious to combine Vau and Schipper to obtain the invention as specified in claim 1.

Referring to claim 2, Vau further discloses a communication unit that inquires whether browse restriction is applied or not based upon the detected predetermined information and acquires browse restriction information which is a result of the inquiries [pars. 9-10], wherein the browse restriction applying unit executes a process for applying browse restriction according to the browse restriction information acquired from the communication unit [par. 15].

Referring to claim 3, Vau further discloses that the predetermined information is a position of a photographer or a position of an object [pars. 9 and 16].

Referring to claim 4, Schipper further discloses that the predetermined information is electronic information of an object [col. 8, l. 2-8. Note that the predetermined information can comprise the "distance from the digital camera to a selected object."].

Referring to claim 5, Vau further discloses that the predetermined information includes Photography time (temporal data) information [pars. 17 and 22].

Referring to claim 6, Vau further discloses a browse restriction controller that manages a browse restriction determination table (database 16) for determining whether browse restriction is applied or not, wherein the browse restriction controller acquires the browse restriction information which is a result of the analysis of whether browse restriction is applied or not is acquired based upon the detected predetermined information using the browse restriction determination table; and the browse restriction applying unit executes a process for applying browse restriction according to the browse restriction information [pars. 10-16, 24].

Referring to claim 7, Vau further discloses that wherein the browse restriction applying unit executes a process for applying browse restriction according to a cipher system defined in the browse restriction information [par. 34. Note that an invisible watermark is applied to the image for recognizing the existence of restricted image rights. Note that this is consistent with the description on pages 19-20 of Applicants' specification, which suggests that a cipher system can comprise digital watermarking.].

Referring to claim 8, Vau further discloses that the cipher system uses fixed information, positional information of a photographer, positional information of an object, electronic information of the object or any of such information and time information [pars. 9-10, 22].

#### ***Allowable Subject Matter***

3. Claim 9 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Citation of Relevant Prior Art***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. Zacks et al., U.S. Patent Application Publication No. 2004/0123131 discloses embedding a watermark in a captured image to impose limitations on the time, place, manner or way in which the image can be used [par. 57].

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles Kim whose telephone number is 571-272-7421. The examiner can normally be reached on Mon thru Thurs 8:30am to 6pm and alternating Fri 9:30am to 6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Samir Ahmed can be reached on 571-272-7413. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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